

REMARKS

The Office examined claims 1-47 and rejected same. With this paper claims 1-18 and 21-47 are amended, no claims are canceled, and claim 48 is added so that claims 1-48 remain in the application. Support for the amendments can be found in the specification at page 7, line 21 through page 8, line 6, page 10, line 6 through page 11, line 15, and page 22, line 1 through page 23, line 2. No new matter has been introduced by way of amendment. New claim 48 finds support in original claims 12 and 33. No new matter has been introduced. The independent claims are 1, 11, 12, 13, 19, 20, 21, 24, 27, 30, 33, 38 and 48.

The independent claims are amended to recite that the media characteristics of the multimedia message are inserted into the multimedia message (or are received in the multimedia message, depending on which element of the invention is performing the action of the claim). By amending the claims in this manner, it is further clarified that the media characteristics of the multimedia message inserted or received in the multimedia message are *characteristics of the multimedia message*.

One advantage of the claimed invention is that it provides a mechanism by which a messaging server can determine whether transcoding is needed for a multimedia message intended for a receiving terminal without having to open and examine each media component of the multimedia message. This reduces processing complexity for the messaging and transcoding servers, and also provides a decision as to whether transcoding is necessary in less time than would be possible if the multimedia message had to be opened and examined in its entirety. Furthermore, the claimed invention saves analysis, i.e. it reduces the number of analysis steps involved in determining whether or not the multimedia message requires transcoding.

Rejections under 35 USC §102

At sections 3-4 of the Office action, claims 27, 30, 33, 36-38, 41-42 and 44-47 are rejected under 35 USC §102(e) as being anticipated by U.S. Pat. No. 6,961,754 to Christopoulos *et al* (hereinafter Christopoulos). Of these claims, claims 27, 30, 33 and 38 are independent.

To the extent that the anticipation rejection might be applied to the claims, as amended, it is respectfully traversed for the following reasons:

As amended, the claimed invention recites that media characteristics of the multimedia message being transmitted to a receiving terminal be determined and inserted in the multimedia message. By the Office's admission in the final office action, Christopoulos fails to disclose or suggest inserting the media characteristics into the message. Applicant concurs that Christopoulos fails to disclose or suggest inserting the media characteristics into the message, but also asserts that Christopoulos fails to disclose or suggest *media characteristics of a multimedia message*. Christopoulos discloses user preferences and **a set of terminal and/or network capabilities, e.g. available bandwidth, bit error rate, display size, resolution, computational processing power, storage capacity, etc.** It is respectfully submitted that the claimed media characteristics of a multimedia message are not characteristics of terminal and/or network capabilities. A terminal or network is completely different than a multimedia message, therefore their characteristics are also completely different.

For example, in a multimedia message having a JPEG image with size 320x320, the multimedia characteristics of the multimedia message are that the media image format is JPEG and the size is 320x320; while for a multimedia message having an MPEG video with 320x240 resolution having 100 frames, the media characteristics of the multimedia message would be completely different from the previous image example. The terminal characteristics only provide information about the capabilities of the terminal and are independent of the message; as in the earlier examples, the same terminal characteristics would be applicable in each example even though the media characteristics of the multimedia messages are different. The media characteristics inserted into the multimedia message have no connection with the terminal or network characteristics and vice versa. The media characteristics inserted into the multimedia message provide information/characteristics of the multimedia content in the message. Thus, multimedia characteristics of a multimedia message are independent of any terminal and/or network, and are therefore independent of any terminal and/or network capabilities. Consequently, media characteristics of a multimedia message are different in kind from terminal and/or network capabilities.

As explained above, an advantage of inserting the media characteristics of a multimedia message into the multimedia message is that, as explained in the application throughout, another

entity such as a messaging server can then determine whether to transcode the multimedia message without itself having to examine the multimedia message and determine the media characteristics of the multimedia message, thereby reducing processing complexity for the messaging and transcoding servers, and providing a decision as to whether transcoding is necessary in less time than would be possible if the multimedia message had to be opened and examined in its entirety. It is respectfully submitted that Christopoulos does not teach any such time-saving function because it discloses only using user preferences and terminal capabilities to determine what, if any, transcoding to perform, but fails to disclose or suggest that media characteristics of the multimedia message are determined and inserted into the multimedia message, as claimed.

Furthermore, as amended, the claimed invention recites that the it is determined whether the multimedia message should be transcoded based on comparing the media characteristics of the multimedia message with actual or assumed multimedia capabilities of a receiving terminal. The multimedia capabilities of the receiving terminal are akin to the terminal and/or network capabilities disclosed in Christopoulos. Thus, it is clear that media characteristics of the multimedia message as claimed are not the same as terminal and/or network capabilities disclosed in Christopoulos at least for the reason that the two must be compared, according to the claimed invention, in order to determine whether to transcode the multimedia message.

Accordingly, for at least the above reasoning, applicant respectfully submits that Christopoulos fails to anticipate independent claims 27, 30, 33 and 38 and therefore claims 27, 30, 33 and 38 are allowable.

Claims 36-37, 41-42 and 44-47 are dependent claims and recite additional features not recited in independent claims 27, 30, 33 and 38. For at least the reasons regarding claims 27, 30, 33 and 38 above, Christopoulos does not anticipate the claimed invention. Therefore, claims 36-37, 41-42 and 44-47 are also allowable.

Rejections under 35 USC §103

At section 5 of the Office action, claims 1-7, 10-21, 24 and 43 are rejected under 35 USC §103(a) as being unpatentable over U.S. Pat. No. 6,961,754 to Christopoulos et al. (hereinafter Christopoulos) in view of U.S. Pat. Pub. No. 2004/0111476 to Trossen et al. (hereinafter Trossen). Of these claims, claims 1, 11-13, 21 and 24 are independent.

To the extent that the obviousness rejection might be applied to the claims, as amended, it is respectfully traversed for the following reasons:

As amended, the claimed invention recites that media characteristics of a multimedia message being transmitted to a receiving terminal be determined and inserted in the multimedia message, and further that the inserted media characteristics of the multimedia message be compared to the actual or assumed multimedia capabilities of the receiving terminal in order to determine whether the multimedia message should be transcoded. By the Office's own admission in the final office action, Christopoulos fails to disclose or suggest inserting the media characteristics into the message. The Office turns to Trossen to disclose this feature, but similarly to the discussion above with regard to Christopoulos, Trossen also fails to disclose inserting media characteristics of the multimedia message into the multimedia message.

Trossen merely discloses specifying sending entity rules, which can "comprise any of a number of different rules that define how the media content is delivered," as disclosed in paragraph [0040]. Trossen further discloses that "the sending entity rules can comprise, for example, rules based upon the connectivity of the respective recipients (e.g., user agent B 110B) and/or rules specifying that the media content be processed, such as by being transcoded and/or truncated." Nowhere does Trossen disclose or suggest "*inserting into a multimedia message media characteristics of the multimedia message*" sufficient in detail to enable determining whether the multimedia message should be transcoded to accommodate multimedia capabilities of a receiving terminal," as claimed. Furthermore, as discussed in detail above, Christopoulos also fails to disclose or suggest this feature of the claimed invention. Consequently, applicant respectfully submits that Christopoulos in view of Trossen fails to render independent claims 1, 11-13, 21 and 24 obvious, thus claims 1, 11-13, 21 and 24 are allowable.

Claims 2-7, 10, 14-20 and 43 are dependent claims and recite additional features not recited in independent claims 1, 11-13, 21, 24, 27, 30, 33 and 38. For at least the reasons regarding claims 1, 11-13, 21, 24, 27, 30, 33 and 38 above, Christopoulos in view of Trossen does not render the claimed invention obvious. Therefore, claims 2-7, 10, 14-20 and 43 are also allowable.

New claim 48 is an independent claim that recites similar features as in independent claims 12 and 33. For at least the reasons regarding claims 1, 11-13, 21, 24, 27, 30, 33 and 38 above,

Christopoulos in view of Trossen does not render the claimed invention obvious. Therefore, new claim 48 is also allowable.

At section 6 of the Office action, claims 28-29, 31-32, 34-35 and 39-40 are rejected under 35 USC §103(a) as being unpatentable over Christopoulos in view of U.S. Patent No. 7,159,039 to Hahn et al. (hereinafter Hahn).

To the extent that the obviousness rejection might be applied to the claims, as amended, it is respectfully traversed for the following reasons:

Claims 28, 31, 34 and 39 teach “wherein the multimedia message has a header portion and a body portion, and the inserted media characteristics are provided in a field in the header of the message.” Claims 29, 32, 35 and 40 teach “wherein the message has a header portion and a body portion, and the media characteristics of the multimedia message are provided in a header field in the body of the multimedia message.” The Office relies on Hahn to teach these features. While Hahn discloses that a message contains a header and a body, Hahn nowhere discloses or suggests the features of the claimed invention that are lacking in Christopoulos, namely “inserting into a multimedia message media characteristics of the multimedia message.” Claims 28-29, 31-32, 34-35 and 39-40 are dependent claims and recite additional features not recited in independent claims 1, 11-13, 21, 24, 27, 30, 33 and 38. Consequently, for at least the reasons regarding claims 1, 11-13, 21, 24, 27, 30, 33 and 38 above, Christopoulos in view of Hahn fails to render claims 28-29, 31-32, 34-35 and 39-40 obvious. Thus, applicant respectfully submits that claims 1, 11-13, 21 and 24 are also allowable.

At section 7 of the Office action, claims 8-9, 22-23 and 25-26 are rejected under 35 USC §103(a) as being unpatentable over Christopoulos in view of Trossen and further in view of Hahn.

To the extent that the obviousness rejection might be applied to the claims, as amended, it is respectfully traversed for the following reasons:

Claims 8-9, 22-23 and 25-26 are dependent claims and recite additional features not recited in independent claims 1, 21 and 24 from which they depend. For at least the reasons regarding claims 1, 21 and 24 above, Christopoulos in view of Trossen and further in view of Hahn does not

render the claimed invention obvious. Consequently, applicant respectfully submits that claims 8-9, 22-23 and 25-26 are also allowable.

CONCLUSION

For all the foregoing reasons it is believed that all of the claims of the application are in condition for allowance and their passage to issue is earnestly solicited. Applicant's agent urges the Examiner to call to discuss the present response if anything in the present response is unclear or unpersuasive.

Respectfully submitted,

August 20, 2008

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